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# Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

## I. Introduction

1. By its resolution 2012 (2011) of 14 October 2011, the Security Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) until 15 October 2012, and requested me to report on its implementation semi-annually and not later than 45 days prior to its expiration. The present report covers major developments from the issuance of my report of 25 August 2011 (S/2011/540) until 28 February 2012, and outlines activities undertaken by the Mission in line with its mandate under Security Council resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007), 1840 (2008), 1892 (2009), 1908 (2010), 1927 (2010), 1944 (2010) and 2012 (2011).

## II. Political and security update

### Political situation

2. After the issuance of my previous report outlining the political stalemate between the President of Haiti and the Haitian Parliament, a compromise was finally reached on the appointment of a Prime Minister. On 16 September, four months into the term of President Michel Joseph Martelly, the Chamber of Deputies unanimously voted to ratify his third nominee for Prime Minister, Garry Conille. The Senate ratified President Martelly's choice shortly thereafter, following intense debate and negotiation over the composition of the Cabinet. Mr. Conille and his Cabinet, which included several confidants of President Martelly, were formally sworn in on 18 October.

3. Despite President Martelly's call in his address before Parliament on 9 January for a national consensus among the executive, legislative and judiciary branches to ensure the coherence of Government actions, two major political controversies contributed to a strained relationship between the executive and legislative branches during the reporting period. These concerned the arrest, late in October, despite his parliamentary immunity, of Deputy Arnel Bélizaire (West Department) and allegations, late in November, by Senator Jean-Charles Moïse accusing President Martelly and other senior Government officials of holding foreign citizenship, which is strictly prohibited by the Haitian Constitution. The former incident led to the resignation in November 2011, under intense parliamentary pressure, of the



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Minister of Justice, Josué Pierre-Louis. On 9 February, the parliamentary commission investigating the circumstances of Mr. Bélizaire's arrest submitted its report, finding the arrest arbitrary and accusing the former chief prosecutor of ordering the arrest. The dual citizenship allegations have set in motion a series of difficult confrontations between the presidency and Parliament. This has all but halted collaboration and paralysed progress on the development of a consensual legislative agenda, adoption of the national budget and publication of a calendar for the forthcoming partial legislative, municipal and local elections. The work of the Senate commission established to investigate the dual citizenship matter is ongoing.

4. On 24 February, the Prime Minister, Garry Conille, submitted his letter of resignation to President Martelly, who subsequently accepted. This followed prolonged tensions between the President and the Prime Minister, including over the question whether Government Ministers, as Mr. Conille had proposed, should submit their documents to the Senate Commission on dual citizenship. The Prime Minister and his Cabinet are expected to continue to serve in a caretaker function until a new government is appointed.

5. On 21 December, on the occasion of a visit to Haiti by the Club de Madrid, President Martelly announced his intention to advance in the process of publishing the constitutional amendments in a timely manner. However, on 13 January, he stated that he would await the publication of the report by the Senate special commission on the constitutional amendments. President Martelly's position seemed to echo the opinion of certain political actors and presidential advisers who favour the adoption of a new constitution rather than the amendment of the current one. President Martelly's reluctance to publish the constitutional amendments, together with his dissolution of the Provisional Electoral Council on 29 December 2011, means that a new provisional council will probably need to be established, rather than the permanent council provided for in the amendments. In January and February, leaders of several political parties, including the Rassemblement des démocrates nationaux progressistes, Fusion and the Organisation du peuple en lutte, called on the Government to consult with political parties on the establishment of a credible and transparent electoral council, regardless of the final decision concerning the publication of the constitutional amendments.

6. The first ordinary session of Parliament for 2012 opened on 9 January and was marked by the ratification, on 31 January, by a joint session of the Senate and Chamber of Deputies of the International Covenant on Economic, Social and Cultural Rights. This outcome reflected the new Parliamentary leadership's commitment to ratifying a number of landmark treaties and conventions during the term of the 49th Legislature. On the same occasion, President Martelly delivered a speech describing the serious structural problems and socio-economic issues that affect Haiti and expressed his desire to change this situation through effective public policies that would reduce the poverty affecting millions of Haitians.

7. Given his campaign promise to re-establish the Haitian army, on 16 September President Martelly unveiled a preliminary plan outlining the mission and strength of the new army. On 1 January, he announced that the civil commission reviewing the reinstatement of the armed forces, which was established by presidential decree in December 2011, had completed its preliminary report and that the report would shortly be submitted for consultations with the three branches of Government as well as civil society and the private sector. In response to President Martelly's plan,

international partners noted Haiti's sovereign right to establish a standing army. They cautioned, however, that the future army should be subject to democratic oversight and accountability, that it should not be restored at the expense of the development of the Haitian National Police, and that its scope and composition should be informed by a broader security sector review. They also stated that the project will not find financial support from the international community.

8. While no public calls had been made for the remobilization of the armed forces, by mid-February a number of seemingly organized and armed groups of former members of the Haitian armed forces had resurfaced in several departments, which constituted a potential source of instability. On 14 February, after a meeting with my Special Representative, the Minister of the Interior called upon those groups to desist and return home, stating that the Government had not allowed such mobilization. He added that Haiti's army would be restored in due course, but in a closely managed and orderly fashion. Despite the Minister's call, more and more large groups of former army elements and new recruits were witnessed conducting training exercises throughout the country late in February, raising questions about their sources of support and funding.

**Security assessment**

9. The overall security situation throughout the reporting period remained relatively stable, albeit fragile owing to sporadic instances of civil unrest linked primarily to political uncertainty and socio-economic grievances. The incidence of politically motivated violence has significantly diminished. In this context, MINUSTAH began the mandated drawdown of its post-earthquake surge of military and police capabilities, which is due to be completed by the end of June 2012.

10. There was no significant change in the incidence of crimes such as murder, rape and kidnapping compared to the previous reporting period. From September to December 2011, the number of homicides across Haiti decreased to 65 per month compared to 76 per month in the previous reporting period. The incidence of reported kidnappings increased slightly, to an average of 13 cases per month compared to 12 cases per month in the previous period. The incidence of reported cases of rape decreased to 40 per month from a monthly average of 43 in the previous reporting period. This last trend may reflect a decrease in the reporting of rapes rather than an actual decrease in the number of rapes.

11. MINUSTAH military and police personnel continued to play a vital role in the maintenance of overall security and stability. Although the performance of the Haitian National Police is gradually improving, the institution is not yet in a position to assume full responsibility for the provision of internal security. MINUSTAH continued to focus its efforts on the protection of vulnerable groups, particularly women and children, both by enhancing community-based policing strategies throughout Haiti, and by further reinforcing its military and police presence in violence-prone areas and camps for internally displaced persons. From September to December 2011, MINUSTAH military and police components carried out 4,455 joint patrols with the Haitian National Police in Port-au-Prince and its vicinity, and 15,001 joint patrols in the rest of the country. During this period, MINUSTAH military and police conducted 29,471 patrols in camps for internally displaced persons in the Port-au-Prince metropolitan area and 10,457 patrols in camps outside Port-au-Prince.

12. The MINUSTAH military and police components also jointly conducted anti-crime operations with the Haitian National Police, such as cordon and search operations and arrests of gang members. In the case of demonstrations and civil unrest, MINUSTAH personnel provided back-up and support as needed. From September to December 2011, MINUSTAH carried out 6,811 joint operations in the Port-au-Prince metropolitan area, aimed at disrupting the activities of criminal groups. During this period, five gang members were arrested. These efforts were supported by integrated threat analysis and information-gathering operations.

## III. Humanitarian and recovery update

13. Haiti continued to face significant humanitarian challenges, with large numbers of camp residents still dependent on assistance for their basic survival. As of January 2012, there were approximately 515,000 camp residents, including internally displaced persons, living at 707 sites, the majority of which are in or around Port-au-Prince. This represents a reduction of 119,000 persons (or 19 per cent of the total) and 394 sites since June 2011. The ongoing cholera epidemic, food insecurity and the country's extreme vulnerability to natural disasters have compounded the hardships faced by the Haitian population. During the reporting period, more than 1.5 million people, including 1.1 million children, remained dependent on food assistance provided by the World Food Programme.

14. Recovery and reconstruction efforts progressed, albeit slowly. Certain critical humanitarian needs, especially those related to water and sanitation in camps, received diminished attention as certain humanitarian partners phased out their activities for lack of funding. The 2011 consolidated appeal for Haiti was funded with $210.4 million, which represented only 55 per cent of its revised requirements ($382.4 million). In December 2011, the humanitarian community launched its consolidated appeal for 2012, calling for $230.5 million in additional funds for life-saving humanitarian programmes and targeted interventions focused on emergency preparedness and response. During the reporting period, further progress was made in strengthening the capacity of the Haitian Directorate of Civil Protection to lead disaster response and prevention efforts across the country at both the national and local levels. Several initiatives were undertaken to strengthen coordination and partnerships between the Directorate, humanitarian partners, the United Nations and local organizations, such as joint simulation exercises, which involved more than 50 partners, including MINUSTAH, the United Nations country team, local and international non-governmental organizations, and members of civil society. Eleven contingency plans, including a national plan and one for each of the country's 10 departments, were developed with the help of the United Nations and other international partners. The United Nations Development Programme (UNDP) also provided offices and information technology equipment to the National Emergency Operations Centre and reinforced the capacity of the 10 departmental emergency operation centres, through the hiring of additional staff and the provision of communications equipment, thus ensuring a more sustained presence of the Directorate of Civil Protection in the regions. In January 2012, the Central Emergency Response Fund managed by the Office for the Coordination of Humanitarian Affairs allocated $8 million to address the pressing needs of vulnerable populations still living in camps.

15. Haiti's recovery has been hampered by the expiration in October 2011 of the mandate of the Interim Haiti Recovery Commission and the uncertainty surrounding its renewal or the establishment of alternative donor coordination arrangements. As of January 2012, national Governments and multilateral institutions had disbursed 52.9 per cent ($2.38 billion) of the $4.50 billion in recovery programme funds pledged for the 2010-2011 period. Those donors had also contributed $996 million in debt relief for Haiti. As of November 2011, the humanitarian community managed the construction of at least 100,000, or 90 per cent, of the 111,000 planned transitional shelters for 2011, providing housing for 420,000 persons. Several relocation programmes managed by the Government, with the support of the United Nations country team, facilitated the return of more than 1,500 families to their neighbourhoods. Moreover, 25,000 homes damaged by the earthquake have been rebuilt with assistance from humanitarian partners. The European Union also pledged €33 million to build 11,000 homes in two neighbourhoods of Port-au-Prince. However, an estimated 515,000 people living in camps are still in need of housing solutions.

16. Visible advances in post-earthquake recovery and reconstruction included the removal, by February 2012, of more than half of earthquake-related debris, 10 per cent of which was cleared through United Nations-supported programmes. More than 400,000 people have been employed for an average of three months in cash-for-work programmes. By December 2011, 636 schools, including 477 semi-permanent and 159 permanent schools, have been rebuilt with support from education sector partners, representing close to 16 per cent of destroyed or unusable buildings. Furthermore, 80 per cent of the children still living in camps were attending school. There was also a significant expansion of preventative and curative nutrition services for children and women, as the United Nations supported the establishment of 290 outpatient nutrition treatment units and 24 in-patient stabilization units.

## IV. Activities of the United Nations Stabilization Mission in Haiti

### Support for the political process

17. Since the swearing-in of the new Cabinet, MINUSTAH, through the good offices of my Special Representative, has intensively engaged with the key political decision makers of Haiti to encourage collaboration between the executive and legislative branches of Government. MINUSTAH has repeatedly facilitated dialogue between leaders of both branches and other key political actors, allowing them to move forward on critical political processes such as the elaboration of a legislative agenda for the ongoing parliamentary session, justice reform, the functioning of the Supreme Court, police reform and electoral preparations. The Mission's support to the political process is increasingly focused on the key mandated priority of reinforcing Haiti's institutions at the national and local level, by advocating for a political pact to advance the stabilization and development of Haiti.

18. My Special Representative has made a number of proposals to the President, the Prime Minister and the Presidents of the Senate and Chamber of Deputies on how MINUSTAH can, in line with its mandate, effectively support their policy goals. As a result, the Mission is working with Haiti's political leaders to develop a road map of mutual commitments regarding actions to be taken to strengthen

institutions, improve the rule of law and promote sustainable development in Haiti. The Mission's strategic support to the political process includes close cooperation with Haiti's international partners, including the diplomatic corps in Port-au-Prince, to create momentum around the Government's priorities.

**Support for forthcoming elections**

19. President Martelly issued a decree on 29 December 2011 dissolving the Provisional Electoral Council, following a period of institutional paralysis caused by allegations of corruption and fraud against three counsellors, including the President of the Council, Gaillot Dorsainvil. While judicial proceedings against Mr. Dorsainvil have begun, he has thus far refused to appear before the investigating judge, claiming that the Constitution grants him immunity from the jurisdiction of the court. The lack of a functioning electoral council during the reporting period has limited the impact of the institutional support efforts of MINUSTAH. Work focused on completing tasks related to the elections of 2010-2011, including the destruction of sensitive material, and preparations for the partial legislative, municipal and local elections. Originally planned for November 2011, elections are now expected in 2012. The work of MINUSTAH in anticipation of these elections, which will renew a third of the Senate and elect municipal officials (mayors, town delegates, communal section councils and assemblies), has so far focused on boundary delimitation and potential amendments to the Electoral Law. Owing to delays in the nomination and establishment of a new electoral council and the announcement of the electoral calendar, it will not be possible to hold elections by 8 May 2012, when a third of the existing Senators reach the end of their term in office. The resulting institutional vacuum could further heighten tensions between the Government and the opposition. According to preliminary assessments, it may take up to five months to organize the first round of the elections from the time the elections are called for by Presidential decree.

**Military**

20. The military component of MINUSTAH continued to fulfil its functions with respect to the maintenance of a secure and stable environment, as well as border management, delivery of humanitarian assistance, disaster preparedness and support to recovery and reconstruction efforts. Planning has begun for security and logistical support for the forthcoming elections. The Mission's military component took part in various anti-crime operations, including Operation Hope, which was carried out jointly with the Haitian National Police and the Mission's police component in October 2011. Operation Hope was conducted in neighbourhoods of Port-au-Prince deemed high-risk and resulted in the arrest of several gang members and in the reduction of gang activity in the targeted areas. Several joint security operations carried out by the Haitian National Police and the Mission's police and military components demonstrated an improved level of integration compared to the previous reporting period. In this regard, the Mission's police and military components have established standard operating procedures ensuring that the Haitian National Police is always in the lead in such joint operations.

21. During the reporting period, the mandated drawdown of the military component's post-earthquake surge capacities resulted in the withdrawal of two military companies from Grande Anse and Nippes Departments. A battalion is scheduled to be withdrawn from South Department by the end of March 2012. The

withdrawal of a platoon from North-West Department is pending the arrival of a replacement formed police unit. In parallel to the implementation of the drawdown, MINUSTAH military staff has reconfigured the force to maximize mission effectiveness. The security gap resulting from the withdrawal of military units in these departments has been filled by the Mission's formed police units.

22. The military engineering capacity of MINUSTAH continued to support a wide range of Government recovery priorities linked to disaster risk mitigation and the establishment of conditions for longer-term reconstruction. During the reporting period, engineering companies provided by Brazil, Chile, Ecuador, Indonesia, Japan, Paraguay and the Republic of Korea conducted a total of 53 reconstruction engineering tasks out of a total of 168 tasks completed in 2011. These projects involved the removal of earthquake-damaged Government buildings, hospitals, orphanages and schools; the preparation of land for the construction of new buildings including cholera treatment centres; road repair; well-drilling; river and canal drainage in preparation for the rainy season (including in camps for internally displaced persons); and various irrigation improvements.

**Police**

23. The reform and strengthening of the Haitian National Police remained a priority for MINUSTAH during the reporting period. A new five-year Haitian National Police Development Plan 2012-2016 was drafted jointly by the Haitian National Police and the Mission's police component in consultation with all stakeholders. It is now awaiting final endorsement by the Haitian Government. The current strength of the Haitian National Police stands at 10,106 police officers, including 760 women.

24. The twenty-third promotion of approximately 550 cadets is scheduled to begin training in April 2012. Commencement of training was delayed, owing to funding and administrative issues. Further causes of the delay included the divergent views of the Haitian National Police, MINUSTAH and other stakeholders over the timing and duration of the course and class size. Recruitment for the twenty-fourth promotion is ongoing, with the goal of a 30 per cent female quota. The process of vetting all police officers resumed in September 2011, conducted by an integrated Haitian National Police and MINUSTAH committee. During the reporting period, the joint committee reached a final decision to have 138 "non-recommended" police officers dismissed from the force out of a total of 3,583 Haitian National Police officers who have been vetted since December 2006. In addition, the MINUSTAH police component and its human rights adviser have focused on building the Haitian National Police's oversight and reporting capacity concerning human rights abuses committed by Haitian National Police officers.

25. A number of challenges have impeded the pace of recruitment, vetting and training. These challenges include the need to restructure the recruitment system, to accelerate renovation or construction of facilities in order to expand training courses targeting middle-level and senior law enforcement officials, to increase budgetary resources to fund larger class sizes and more frequent training sessions, and to ensure that newly trained cadets receive their monthly salaries. MINUSTAH and other stakeholders are developing options to address these challenges.

26. MINUSTAH continues to provide technical guidance to several donor-funded projects for the rehabilitation and construction of police facilities. The construction

of a new police academy to train middle-level and senior police officials should be completed by 2013. Planning is under way to construct additional facilities for the Haitian National Police specialized units, including coastguard and public order units. The reduction in the authorized police strength of MINUSTAH to 3,241 officers will begin in March and should be completed by June 2012.

**Protection of vulnerable groups**

27. During the reporting period, MINUSTAH continued its community policing efforts in camps for the internally displaced in close coordination with camp committees. The Mission's police component mentored the Haitian National Police officers and assisted in establishing a secondary police station in camp Jean Marie Vincent, the largest and most insecure camp in Port-au-Prince. Moreover, MINUSTAH police, in co-location with the Haitian National Police, maintained a 24-hour security presence and robust patrols in seven high-risk camps for internally displaced persons and conducted daily rotational patrols in approximately 150 "non-permanent" camps. In response to the forced evictions of displaced persons, particularly in Léogâne, the epicentre of the 2010 earthquake, the protection cluster engaged with the Haitian authorities to advocate for the adoption of a comprehensive camp closure plan. The proposed plan would link camp closure dates to the provision of alternative housing and the identification of sites for long-term settlement. In Port-au-Prince, the Government made visible progress in implementing its "16/6" resettlement programme, providing rental or home repair subsidies to residents of six camps in prominent neighbourhoods of the city. This initiative was coupled with the rehabilitation of the 16 neighbourhoods from which most of those persons were displaced. This programme is receiving support from a number of United Nations country team members.

28. Sexual and gender-based violence remained a concern, particularly in impoverished districts of Port-au-Prince, camps for the internally displaced and remote areas of the country. In October 2011, MINUSTAH in collaboration with the Haitian National Police and the Ministry of Women's Affairs and Women's Rights established special reception areas for victims of sexual and gender-based violence in three of the most at-risk camps in Port-au-Prince. Preparations are ongoing for similar reception facilities in seven police stations in the metropolitan area. During the reporting period, MINUSTAH also established a coordination and response office on sexual and gender-based violence within the Haitian National Police. MINUSTAH and UNDP conducted related training for Haitian National Police trainers from the 10 departments of Haiti. In turn, these trainers initiated workshops on investigative techniques relating to sexual and gender-based violence for Haitian National Police officers.

29. Meanwhile, MINUSTAH monitored the investigative follow-up of 62 rape cases registered in four Haitian National Police stations in Port-au-Prince. It found that none of the cases went to trial, owing to inadequate investigative capacity, out-of-court settlements or victims declining to appear before the investigating magistrate, raising significant concerns over the adequacy of the police and judicial response.

**Community violence reduction**

30. Reduction of community violence remains a vital stabilization measure to address the ongoing political volatility, the weakness of security institutions and persistent socio-economic challenges. Given that the expected delays in organizing legislative, municipal and local elections may lead to heightened tensions, community violence reduction projects may help to mitigate these tensions in fragile urban communities which are the focus of the programme.

31. In line with the emphasis placed by the Government of Haiti on job creation, MINUSTAH continued to work with national and international implementing partners on large-scale labour-intensive projects, skills training, job placement and legal aid, as well as social and protection initiatives in Port-au-Prince, Gonaïves, Cap-Haïtien and Jacmel. Since my last report, the Mission has completed 32 of 63 community violence reduction projects amounting to $9 million; 26 of those projects focused on environmental conservation and provided 20,000 at-risk youth with short-term employment. MINUSTAH also supported vocational training and continues to provide job placement support to 1,110 at-risk youth in partnership with the Haitian private sector and State institutions. MINUSTAH is providing educational, health and psychosocial support to 2,000 women, including female juvenile inmates and victims of sexual and gender-based violence.

**Support to State institutions**

32. In the context of its ongoing support to the decentralization efforts of the Ministry of the Interior and National Defence, MINUSTAH provided technical advice to 140 municipalities in the finalization of their budgets. The Mission has embedded four National Professional Officers in the offices of the 10 new departmental delegates appointed in September 2011 by President Martelly to provide technical advice. MINUSTAH also assisted in identifying key legislative priorities for the Haitian Parliament to be included in the 2012 legislative agenda.

33. Infrastructure and equipment projects in support of the Haitian authorities continued during the reporting period. Since July 2011, MINUSTAH and the Haitian authorities have identified 121 new Government building projects and MINUSTAH has built and equipped 35 prefabricated offices housing 21 public administrations. The latter include facilities for the Ministry of Justice and Public Security, the Ministry of Planning and External Cooperation, the Ministry of the Interior and National Defence, the Office of Civil Registry, six Peace Tribunals, the National Penitentiary Administration and the Coast Guard office.

**Quick-impact projects**

34. During the reporting period, MINUSTAH continued to focus on developing quick-impact projects for earthquake-affected communities, while concurrently identifying projects in the four priority areas defined by the Mission's leadership in September 2011, namely, cholera mitigation; security lighting; road and infrastructure rehabilitation; and rule of law infrastructure. With a $7.5 million budget for quick-impact projects for the 2011-2012 period, MINUSTAH continues to focus its efforts on supporting communities most in need and in areas lacking adequate Government and donor assistance. As at 30 January 2012, 51 projects were being implemented and another 78 were about to be launched, for a total of 129 projects worth $5.57 million.

**Rule of law capacity-building**

35. MINUSTAH support to the Ministry of Justice and Public Security was hampered by the political tumult surrounding the resignation of the Minister of Justice, Josué Pierre-Louis, in November 2011. His successor, Michel Pierre Brunache, who was appointed in December, has made public statements committing the Government to rule of law reform. However, while there is broad agreement in Government circles that the rule of law is a top priority, the Mission's work in support of the rule of law has been stymied by a persistent lack of will to effect real change and an ongoing culture of impunity, particularly within the Haitian political class and among the elite. There are deep-rooted parallel structures within Haitian society, which allow groups within Haitian society to employ corrupt practices to circumvent the legal system. Progress in strengthening the rule of law has also been hindered by the fact that there has been a succession of five prosecutors in Port-au-Prince in just 12 months.

36. During the reporting period, President Martelly appointed the President and Vice-President of the Supreme Court from a list of candidates submitted by the Senate. The post of President of the Supreme Court had remained vacant since 2004. On 14 February, the Minister of Justice announced that President Martelly would shortly issue a decree filling the remaining five judicial vacancies, enabling the Supreme Court to become operational. In January 2012, President Martelly established a Working Group on Justice Reform with a mandate to propose appropriate measures for the implementation of justice reform. The Working Group has been given 24 months to carry out its mandate. During the reporting period, MINUSTAH and UNDP conducted rule of law meetings across the country's 10 departments, bringing together community leaders, municipal authorities and representatives of the judiciary and national police to define local solutions to insecurity and political conflicts.

**Justice**

37. MINUSTAH continued to provide technical and logistical support to the 18 legal aid offices established throughout the country. Recently, the legal aid funding partner, the Union of South American Nations (UNASUR), informed stakeholders, including MINUSTAH, of its decision to end the financing of Haiti's legal aid programme. The Government of Haiti has indicated to MINUSTAH that it intends to take over the management of the legal aid programme. In January 2012, the Ministry of Justice and Public Security established a transitional working group, with the participation of MINUSTAH and other stakeholders, to prepare a development plan for a sustainable legal aid system and review the draft law establishing the Système national d'assistance légale. In conjunction with UNDP, MINUSTAH conducted 2 two-day workshops in Croix des Bouquets and Jérémie to train a group of 30 police officers, judges and prosecutors, including four women, on investigative techniques in sexual assault cases. MINUSTAH together with UNDP has continued its technical and logistical support for the establishment of the Superior Council of the Judiciary by assisting two working groups on the drafting of the rules and regulations and on the transfer of competencies from the Ministry of Justice and Public Security to the Council.

### Corrections

38. MINUSTAH assistance in corrections took the form of capacity-building in security, staffing and training needs, policy development and infrastructure improvements. The daily presence of MINUSTAH officers in all 16 of the country's prisons has allowed for improvements across these priority areas, in particular at the local level. However, Haiti's prisons continued to suffer from overcrowding, deficient management, excessive pretrial detention and food and water shortages. Improvements were noted with respect to the separation of minors in all but three prisons and in overall sanitary conditions. One of the Mission's top priorities has been to support the office of the Director of the Prison Administration in developing standardized procedures and practices for the operation of the new prison in Croix des Bouquets. To date, 9 of the 12 proposed standard procedures have been officially signed by the Director of the Prison Administration. The remaining three directives will be presented to the Minister of Justice and the leadership of the Haitian National Police for final validation. During the reporting period, particular focus was directed towards the release of inmates in pretrial detention or those who had exceeded their sentences. As a result of MINUSTAH efforts, 269 detainees were liberated between September 2011 and January 2012. In addition, two MINUSTAH quick-impact projects were completed and contributed to better working and living conditions in two prisons in Les Cayes and Grande Rivière du Nord. Moreover, MINUSTAH provided field officer training to 42 national correctional officers on assessing the performance of new recruits in prisons. A further 14 correctional officers were trained by MINUSTAH in interviewing, search and handcuffing techniques.

### Human rights

39. The Mission maintained its focus on the investigation and reporting of human rights violations. Through the Office of the United Nations High Commissioner for Human Rights, in December 2011, MINUSTAH published two reports on alleged illegal killings by Haitian National Police officers and regretted that, despite some efforts by the police and judiciary to investigate the killings, there was a significant lack of capacity of the State to effectively prosecute and punish perpetrators. The Mission also closely monitored the trial of police and prison officers who were accused of illegal killings during the prison riot at Les Cayes on 19 January 2010. The trial resulted in the conviction of eight defendants and the acquittal of six others. On 30 January, the Haitian magistrate leading the investigation of former President Jean-Claude Duvalier stated that the statute of limitations blocked prosecution of the well-documented human rights crimes under the Duvalier regime and that Mr. Duvalier should face trial only on corruption charges. MINUSTAH publicly expressed regret over the decision. The Mission continued to advocate for and support State action to ensure accountability for human rights violations committed during the Duvalier regime. MINUSTAH also conducted a range of training programmes for local authorities and community leaders to build rule-of-law capacity, specifically on human rights, and provided support to the Office de la protection du citoyen.

### Gender

40. In November 2011, MINUSTAH, in collaboration with the Ministry of Women's Affairs and Women's Rights and two women's organizations, launched a

project funded by Luxembourg to promote women's participation in leadership positions at national and local levels. MINUSTAH also helped the women's parliamentary caucus to develop a quick-impact project for the promotion of women's participation in decision-making at all levels and for the identification of strategies to ensure at least 30 per cent representation of women in public office.

**Child protection**

41. During the reporting period, MINUSTAH received reports of 110 cases of rape and other sexual violence against minors, 15 cases of the recruitment and use of children by armed gangs, 12 cases of kidnapping and 7 cases involving the killing of minors, some of which occurred during shoot-outs. MINUSTAH is working with the International Organization for Migration and UNICEF to contribute to amendments to the draft law on human trafficking to align it with the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which Haiti ratified in 2009. In the area of juvenile justice, MINUSTAH continued to advocate in favour of accelerated case management and improved conditions of detention for minors. In addition, MINUSTAH provided three training and sensitization sessions in West Department aimed at reinforcing the capacity of 42 community-based organizations on child protection issues including sexual violence, juvenile justice and child trafficking.

**HIV/AIDS**

42. MINUSTAH and the United Nations country team strengthened coordination mechanisms and reinforced national structures for combating AIDS in Haiti. Awareness-raising activities, including training and radio broadcasts, continued throughout Haiti for HIV prevention in post-emergency programmes. The Global Fund Country Coordinating Mechanism of Haiti was reformed to allow for continued funding. MINUSTAH also assisted the Government in updating the national multisectoral AIDS plan. In addition, a newly revised law on HIV prevention was presented to Parliament.

**Conduct and discipline**

43. The work of the Mission's Conduct and Discipline Unit focused on strengthening prevention measures, accelerating disciplinary case management, and taking remedial action, in line with the United Nations zero tolerance policy regarding misconduct by its personnel. During the reporting period, MINUSTAH responded to several cases of serious allegations of misconduct by Mission personnel. These cases include the alleged rape of a Haitian man in Port-Salut, the alleged rape of a minor in Gonaïves, and alleged sexual relations between Mission personnel and three minors in Port-au-Prince. As a result of these allegations, the Mission was confronted with protests in the Haitian public and among the political class against the alleged misconduct of Mission personnel. On 8 February, the Senate unanimously adopted a resolution requesting the Secretary-General to lift the protection of immunity of two MINUSTAH staff members allegedly involved in the case in Gonaïves. In all these cases, the Mission proactively responded by initiating internal investigations and taking swift disciplinary measures. In addition, the Mission conducted 51 training sessions on misconduct and the prevention of sexual exploitation and abuse for a total of 1,265 MINUSTAH personnel in Port-au-Prince and several regions. In collaboration with the Communications and Public

Information Section, the Conduct and Discipline Unit completed the production of a training video on the prevention of misconduct. The team also supported the efforts of the United Nations country team and the Haitian Ombudsman's Office to develop a comprehensive victim assistance strategy.

**Public information and outreach**

44. During the reporting period, MINUSTAH continued to use public information and outreach as a strategic tool to support the implementation of its mandate and ensure understanding and visibility of its efforts. Efforts were undertaken to reaffirm the Mission's steadfast implementation of the United Nations zero tolerance policy regarding misconduct by its personnel. Outreach tools included regular press conferences; timely issuance and dissemination of press releases and messages from my Special Representative; field project visits with the media; and the use of the Mission's website and social media tools. The Mission also carried out civic education campaigns and produced television programmes which were broadcast on national and diaspora television stations. Radio MINUSTAH FM conducted 24-hour broadcasts, which included priority information and sensitization campaigns covering, among other issues, cholera prevention efforts, disaster and hurricane preparedness, the promotion of a national dialogue and respect for the rule of law.

## V. Humanitarian, recovery and development activities

**Coordination between the Mission and the United Nations country team**

45. MINUSTAH and the United Nations country team continued their efforts to develop and implement joint programmes. As of January 2012, 10 joint programmes were being implemented, for a total of $250 million, including 5 programmes funded through the Haiti Reconstruction Fund. These programmes addressed a wide range of recovery priorities, including debris removal, housing, health, return of the displaced to their neighbourhoods of origin or to safer housing, school meals, and environmental sustainability. United Nations country team members have three shared priorities: support to government institution-building, decentralization and gender equity. In pursuit of the first two priorities, in 2011, United Nations agencies deployed 419 national and 106 international personnel to national and local government entities to strengthen their capacity and provide technical assistance. Under MINUSTAH leadership, the Group of Twelve — the group of main donors in Haiti — has regularly met to accelerate progress and improve coordination in the recovery process, while also supporting the reactivation of key sector coordination groups (*tables sectorielles*) under the leadership of national ministries. Concurrently, the Group of Twelve is working with the Ministry of Planning and External Cooperation to reinforce the national aid coordination architecture and to develop an agreement outlining mutual responsibilities for strengthening public administration and national institutions. As of December 2011, the majority of humanitarian clusters were chaired or co-managed by Government entities. A key priority for the humanitarian country team in 2012 is the streamlining of humanitarian coordination structures to enhance the Government's leadership role. Humanitarian actors are also developing the Government's disaster preparedness and response capacity by supporting the National System of Disaster Risk Reduction in order to develop a multi-risk contingency plan in case of earthquake, flooding, hurricane or tsunami.

46. Initially developed for an 18-month period from June 2010 until December 2011, the Integrated Strategic Framework for Haiti, which constitutes the main programming reference for MINUSTAH and United Nations agencies, has been extended until December 2012. The Integrated Strategic Framework is organized around five pillars, including institutional, territorial, economic and social rebuilding as well as an "enabling environment" pillar. Early in 2012, the United Nations system in Haiti began work on the development of a new Integrated Strategic Framework for the period 2013-2016, which will integrate humanitarian, development and stabilization priorities in alignment with the Government's new plan, which derives directly from its Action Plan for National Recovery and Development of March 2010.

**Response to the cholera epidemic**

47. The humanitarian community continues to support the national response to the cholera outbreak. As at 20 January 2012, the number of cumulative cases of infected persons stood at 526,524 while the epidemic had killed 7,025 people since the beginning of the outbreak in October 2010. Under the leadership of the Ministry of Public Health and Population, a national cholera alert system has been established. Large-scale awareness campaigns and a nationwide network of treatment centres have led to an overall decrease in both infection and case fatality rates. In 2011, more than 3 million people received water supplies, water treatment products, water filtering systems and sanitation materials from MINUSTAH, United Nations agencies and humanitarian partners.

48. Following the publication in May 2011 of the report of the independent panel of experts on the origins of the cholera outbreak, the Mission's focus remained on supporting prevention. After the emergency response, MINUSTAH, United Nations agencies, humanitarian organizations and the Red Cross movement turned towards building national capacity for prevention and response to cholera in the Centre, Artibonite, West, North, North-East and North-West Departments. With UNICEF support, more than 1,400 trainers and 5,200 community workers were trained on hygiene promotion, with particular regard to cholera prevention. UNICEF continues to support, in partnership with the Ministry of Public Health and Population and the Inter-American Development Bank, 16 cholera treatment centres, 120 cholera treatment units and 1,172 oral rehydration community points. Supported by the United Nations Office for Project Services, door-to-door campaigns, social diagnostic surveys and theatrical performances also helped to sensitize more than 300,000 residents in 140 camps and neighbourhoods on cholera and on the importance of cleaning latrines. Finally, United Nations agencies and other donors, in close collaboration with the Government, supported the construction and operation of a modern human waste treatment centre near Port-au-Prince (Morne-à-Cabri), ensuring a greater level of environmental safety for the metropolitan area.

49. The cholera epidemic will continue throughout 2012 and the risk of new outbreaks remains. Progress in cholera prevention is threatened by funding limitations, which have resulted in the closure of sanitation services in a number of camps for earthquake-affected populations, including internally displaced persons. Inadequate sanitation, insufficient sources of clean water, rains and flooding during the rainy season pose serious risks, and may lead to further infections.

**Office of the Special Envoy for Haiti**

50. The Office of the Special Envoy has continued to accompany the Government of Haiti in its efforts to track donor pledges and exercise a degree of regulation and oversight on non-State providers so that they align their work and funding with the Government's priorities. To this end, the Office of the Special Envoy has worked closely with the Ministry of Planning and External Cooperation on a mapping of registered non-State providers. From September 2011 to February 2012, the donor disbursement rate increased from 43 per cent to 52.9 per cent. Of the total $5.33 billion disbursed by bilateral and multilateral donors for humanitarian and recovery efforts in Haiti in 2010 and 2011, an estimated 10 per cent has been channelled through government systems. More recovery funding has been channelled through government systems than humanitarian funding, but bilateral donors have channelled less than multilateral donors through government systems. Of the funding disbursed by bilateral donors from their recovery pledges only 6 per cent has been channelled through Haitian country systems as budget support.

# VI. Financial implications

51. By its resolution 65/256 B of 30 June 2011, the General Assembly appropriated the amount of $793,517,100 for the maintenance of MINUSTAH for the period from 1 July 2011 to 30 June 2012.

52. As at 9 February 2012, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $259.2 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,801.2 million.

53. As at 6 February 2012, amounts owed to troop and formed police unit contributors to MINUSTAH totalled $11.9 million. Reimbursement of troop and contingent-owned equipment costs have been made for the periods up to 30 November 2011 and 30 September 2011, respectively, in accordance with the quarterly payment schedule.

# VII. Observations

54. The compromise forged between President Martelly and Haiti's legislators, which led to the swearing-in of a new Government in October 2011, provided an opportunity to move beyond the political stalemate that had impeded the country's recovery and its progress towards long-term stability and development. Unfortunately, this opportunity was not seized. The continuing stand-off between the executive and legislative branches of Government and tensions within the executive have led to the resignation of the Prime Minister, Garry Conille, after only four months in power. This amounts to a serious failure on the part of Haiti's political leaders to live up to the rightful expectations of those who elected them and to deliver effective government at a time of unprecedented need in Haiti.

55. It is now incumbent upon Haiti's executive and legislative branches to act in the broader interests of the Haitian people and proceed expeditiously with the appointment of a new Prime Minister. I encourage both branches to work together and to avoid, by all possible means, the recent disputes that have impeded progress on strengthening and reforming Haiti's governance institutions. In this regard, I

fully support the call made by the members of the Security Council during their recent visit to Haiti for political leaders to work together in a spirit of compromise. I encourage all actors to engage in constructive political dialogue in order to achieve political agreement and reconciliation based on mutual tolerance. Such genuine and inclusive dialogue is a precondition for demonstrable progress in recovery and development; elections; constitutional reform; the rule of law; protection of human rights; and the creation of a culture where impunity is not tolerated. During the last election, the people of Haiti made a strong call for change and they deserve to have their elected leaders deliver on their campaign promises.

56. I have noted the continuing and increasing reports of the mobilization of several hundred armed former members of the Haitian armed forces and new recruits who have occupied a number of former training camps in several departments. I call upon the Government to take firm measures to stem this process of mobilization, which poses a threat to the country's stability, and transparently investigate its sources of funding and support.

57. It is my hope that the Haitian authorities will soon relaunch the electoral process for the upcoming partial legislative, municipal and local elections and put in place a credible electoral council. This will contribute to revitalizing Haiti's institutions and minimize the institutional vacuum following the end of the terms of 10 senators on 8 May 2012. It is particularly important that the Government mobilize the resources required to build the electoral council's electoral management and administrative capabilities. MINUSTAH stands ready to support the electoral process, as it has done in the past, and to coordinate international electoral assistance to Haiti in cooperation with other international stakeholders.

58. The verdict in the case of the killings during the prison riot at Les Cayes on 19 January 2010 has sent a positive signal about the Haitian authorities' commitment to strengthening the rule of law and protecting human rights. However, I am concerned about the recent decision in the case concerning Jean-Claude Duvalier that a statute of limitations applies to the well-documented human rights abuses under the latter's regime. I encourage Haiti's authorities to spare no effort in the fight against impunity.

59. As the surge capacities of MINUSTAH authorized after the earthquake are drawn down, and in anticipation of the further progressive and orderly consolidation of the Mission's personnel and activities over the coming years, the Mission is refocusing its efforts on key mandated tasks where it can effect change, namely support for the political process and the consolidation of State authority, as well as assistance in strengthening State institutions. Haiti will require the continuing support of the Mission and international donors to bolster the capacity of its rule of law and security institutions. However, the Haitian authorities must also increasingly take responsibility for the country's stability. This means a greater country-wide presence of the State as embodied by the Haitian National Police, a functioning judiciary, and a responsive public administration. It also entails advancing education and providing basic services, housing and protection to those still displaced by the earthquake.

60. Considerable international assistance has been offered to Haiti during the past decade, particularly since the January 2010 earthquake. The executive branch and the legislature must seize the opportunity of this heightened attention to strengthen the rule of law and deliver the stronger and more stable institutions, reliable

property rights and legal guarantees, including a land registry and civil registry that foreign investment requires.

61. I encourage the new Government to assume leadership for Haiti's recovery and development process. Ahead lie difficult decisions that must be taken to overcome the lack of political will and deep-rooted resistance to reform in Haiti which, if unaddressed, will continue to be an obstacle to the country's progress. Individuals entrusted with the stewardship of Haiti's governance institutions at all levels of Government need to demonstrate heightened accountability and professionalism and create a political climate characterized by tolerance rather than polarization. Now that a legitimate Haitian Government is in place, Haiti's authorities have an opportunity to make genuine progress in rebuilding the nation, strengthening institutions, attracting investment, promoting sustainable development and entrenching respect for the rule of law and human rights.

62. I would like to conclude by expressing my sincere gratitude to my Special Representative, Mariano Fernández, to my Special Envoy, former United States President William J. Clinton, and to the men and women of MINUSTAH and the United Nations country team and their partners for their continued dedication and commitment in support of the recovery and stability of Haiti.